THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.26490 of 2006

Date: 27-02-2007.

Between :

Giffard Memorial Hospital, Nuzvid,
rep by its Public Relations Officer.

.....Petitioner

And

Government of Andhra Pradesh, rep. by its Secretary,
Municipal Administration Department & another.

.....Respondents.

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.26490 of 2006

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

This writ petition has come up for hearing along with an application filed by respondents to vacate the interim orders passed on 22.12.2006. With the consent of the learned counsel for the parties, we have heard the matter finally. On last occasion we had requested the learned Government Pleader to submit the record. It has been produced and we have perused the record.

The demand notices on account of property tax have been challenged in the writ petition. One of the grounds on which the demand notices have been challenged is that at no point of time any notice was issued to the petitioner either before the assessment or after the assessments. On perusal of records, we did not find that anything has been recorded that notice was ever sent or served on the petitioner. However, the learned

counsel for petitioner submits that an officer of the Municipality had gone personally to serve the notice, which was accepted, but this is not borne by the record. Therefore, we are afraid that such a bald assertion made on behalf of an officer of the Municipality cannot be taken into consideration. On this ground alone, we allow the writ petition, set aside the impugned demand notices and direct the respondents to serve the assessment orders/demand notices on the petitioner within a period of one week from today. After receipt of the notices, the petitioner shall have two weeks time to file revisions as provided under the law, if feel aggrieved of the notices. For a period of four weeks from today, the stay granted by this Court shall remain operative. After the revisions are presented before the revisionsal authority, he will be at liberty to pass appropriate orders including the order of stay.

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BILAL NAZKI, J

27th February 2007.

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NOOTY RAMAMOHANA RAO, J

N.B:

Furnish C.C. by tomorrow.

(b/o)

ajr